

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHARON GANDARILLA,

Plaintiff,

vs

THE CITY OF NEW YORK; and
ALBERTO SANCHEZ, an individual,

Defendants

ANSWER FOR
DEFENDANT SANCHEZ

07-CIV-6909 (LTS)

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Defendant, ALBERTO SANCHEZ, by and through his attorneys, Jones Garneau, LLP, as
and for his Answer to Plaintiff's Complaint, alleges and avers as follows:

1. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "1" of the complaint except admits that she is a female.
2. Admits the allegations contained in paragraph "2" of the complaint.
3. Denies each and every allegation contained in paragraph "3" of the complaint except admits Sanchez is Police Captain and is of legal age, and respectfully refers questions of law to the Court.
4. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "4" of the complaint and respectfully refers questions of law to the Court.
5. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "5" of the complaint and respectfully refers questions of law to the Court.

6. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “6” of the complaint and respectfully refers questions of law to the Court.

7. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “7” of the complaint and respectfully refers questions of law to the Court.

8. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “8” of the complaint.

9. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “9” of the complaint and respectfully refers questions of law to the Court.

10. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “10” of the complaint and respectfully refers questions of law to the Court.

11. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “11” of the complaint and respectfully refers questions of law to the Court.

12. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “12” of the complaint.

13. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “13” of the complaint and respectfully refers questions of law to the Court.

14. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "14" of the complaint.

15. Denies each and every allegation contained in paragraph "15" of the complaint, except admits that Plaintiff was assigned to the 23 precinct and Sanchez was transferred to the precinct.

16. Denies each and every allegation contained in paragraph "16" of the complaint.

17. Denies each and every allegation contained in paragraph "17" of the complaint.

18. Denies each and every allegation contained in paragraph "18" of the complaint.

19. Denies each and every allegation contained in paragraph "19" of the complaint except admits Defendant Sanchez was transferred.

20. Denies each and every allegation contained in paragraph "20" of the complaint.

21. Admits the allegations contained in paragraph "21" of the complaint.

22. Denies each and every allegation contained in paragraph "22" of the complaint.

23. Admits the allegations contained in paragraph "23" of the complaint.

24. Denies each and every allegation contained in paragraph "24 of the complaint except admits that Plaintiff consented to a sexual relationship with Defendant Sanchez that began in July 2005.

25. Denies each and every allegation contained in paragraph "25" of the complaint.

26. Denies each and every allegation contained in paragraph "26" of the complaint.

27. Denies each and every allegation contained in paragraph "27" of the complaint.

28. Denies each and every allegation contained in paragraph "28" of the complaint.

29. Denies each and every allegation contained in paragraph "29" of the complaint.

30. Denies each and every allegation contained in paragraph "30" of the complaint except admits that Plaintiff requested to be transferred.

31. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "31" of the complaint.

32. Denies each and every allegation contained in paragraph "32" of the complaint.

33. Denies each and every allegation contained in paragraph "33" of the complaint.

34. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "34" of the complaint.

35. Denies each and every allegation contained in paragraph "35" of the complaint.

36. Denies each and every allegation contained in paragraph "36" of the complaint.

37. Denies each and every allegation contained in paragraph "37" of the complaint.

38. Denies each and every allegation contained in paragraph "38" of the complaint except admits Sanchez was indicted and the criminal cases are pending.

39. Denies each and every allegation contained in paragraph "39" of the complaint.

40. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "40" of the complaint.

41. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "41" of the complaint and denies Sala is a personal friend of Defendant Sanchez.

42. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "42" of the complaint.

43. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "43" of the complaint.

44. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “44” of the complaint.

45. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “45” of the complaint.

46. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “46” of the complaint.

47. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “47” of the complaint.

48. Defendant repeats and reiterates each and every allegation contained in paragraphs 1 to 47 of this Answer with the same force and effect as if hereinafter set forth at length. Defendant denies each and every allegation contained in paragraph “48¹” of the complaint.

49. Denies each and every allegation contained in paragraph “49” of the complaint.

50. Denies each and every allegation contained in paragraph “50” of the complaint.

51. Denies each and every allegation contained in paragraph “51” of the complaint.

52. Defendant repeats and reiterates each and every allegation contained in paragraphs 1 to 51 of this Answer with the same force and effect as if hereinafter set forth at length.

53. Denies each and every allegation contained in paragraph “53” of the complaint.

54. Denies each and every allegation contained in paragraph “54” of the complaint.

55. Defendant repeats and reiterates each and every allegation contained in paragraphs 1 to 54 of this Answer with the same force and effect as if hereinafter set forth at length.

¹ Plaintiff has labeled two paragraphs “48”.

56. Denies each and every allegation contained in paragraph “56” of the complaint.

57. Denies each and every allegation contained in paragraph “57” of the complaint.

58. Defendant repeats and reiterates each and every allegation contained in paragraphs 1 to 57 of this Answer with the same force and effect as if hereinafter set forth at length.

59. Denies each and every allegation contained in paragraph “59” of the complaint.

60. Denies each and every allegation contained in paragraph “60” of the complaint.

61. Defendant repeats and reiterates each and every allegation contained in paragraphs 1 to 60 of this Answer with the same force and effect as if hereinafter set forth at length.

62. Denies each and every allegation contained in paragraph “62” of the complaint.

63. Defendant repeats and reiterates each and every allegation contained in paragraphs 1 to 62 of this Answer with the same force and effect as if hereinafter set forth at length.

64. Denies each and every allegation contained in paragraph “64” of the complaint.

65. Defendant repeats and reiterates each and every allegation contained in paragraphs 1 to 64 of this Answer with the same force and effect as if hereinafter set forth at length.

66. Denies each and every allegation contained in paragraph “66” of the complaint.

67. Denies each and every allegation contained in paragraph “67” of the complaint.

68. Denies each and every allegation contained in paragraph “68” of the complaint.

69. Denies each and every allegation contained in paragraph “69” of the complaint.

70. Defendant repeats and reiterates each and every allegation contained in paragraphs 1 to 69 of this Answer with the same force and effect as if hereinafter set forth at length.

71. Denies each and every allegation contained in paragraph "71" of the complaint.

72. Denies each and every allegation contained in paragraph "72" of the complaint.

73. Denies each and every allegation contained in paragraph "73" of the complaint.

74. Defendant repeats and reiterates each and every allegation contained in paragraphs 1 to 73 of this Answer with the same force and effect as if hereinafter set forth at length.

75. Denies each and every allegation contained in paragraph "75" of the complaint.

76. Denies each and every allegation contained in paragraph "76" of the complaint as they relate to the answering Defendant and respectfully refers questions of law to the Court.

77. Denies each and every allegation contained in paragraph "77" of the complaint.

78. Denies each and every allegation contained in paragraph "78" of the complaint.

79. Denies each and every allegation contained in paragraph "79" of the complaint.

80. Defendant repeats and reiterates each and every allegation contained in paragraphs 1 to 79 of this Answer with the same force and effect as if hereinafter set forth at length.

81. Denies each and every allegation contained in paragraph "81" of the complaint.

82. Denies each and every allegation contained in paragraph "82" of the complaint.

83. Denies each and every allegation contained in paragraph "83" of the complaint.

84. Defendant repeats and reiterates each and every allegation contained in paragraphs 1 to 83 of this Answer with the same force and effect as if hereinafter set forth at length.

85. Denies each and every allegation contained in paragraph "85" of the complaint as they relate to the answering Defendant.

86. Denies each and every allegation contained in paragraph "86" of the complaint.

87. Denies each and every allegation contained in paragraph "87" of the complaint.

88. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "88" of the complaint and respectfully refers questions of law to the Court.

FIRST AFFIRMATIVE DEFENSE

90. Plaintiff's claims fail to state a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

91. Plaintiff's claims are barred by the doctrine of equitable estoppel.

THIRD AFFIRMATIVE DEFENSE

92. Plaintiff's claims are barred by the doctrine of unclean hands.

FOURTH AFFIRMATIVE DEFENSE

93. Plaintiff's claims are barred by the statute of limitations.

FIFTH AFFIRMATIVE DEFENSE

94. Plaintiff's claims are barred by the equitable doctrine of laches.

JURY DEMAND

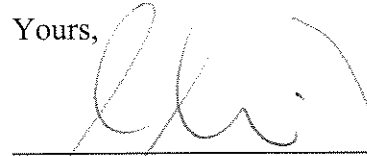
95. Defendant demands a trial by jury.

WHEREFORE, the answering defendant demands judgment:

- (1) dismissing the Complaint;
- (2) awarding, costs and attorneys' fees; and
- (3) for such other and further relief as the Court deems reasonable and appropriate.

Dated: Scarsdale, New York
November 30, 2007

Yours,



By: Steven T. Sledzik, Esq. (STS 8869)
JONES GARNEAU, LLP
670 White Plains Road
Scarsdale, NY 10583
(914) 472-2300

TO: James M. Caffrey, Esq.
Bamundo, Zwal & Schermerhorn, LLP
111 John Street, Suite 1100
New York, NY 10038
(212) 608-8840

Phyllis Gail Galistro, Esq.
New York City Law Department
Office of the Corporation Counsel
100 Church Street
New York, NY 10007
(212) 788-8682